

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 16-12009-NMG

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UNITED STATES for the use of  
D.D.S. INDUSTRIES, INC.,

Plaintiff,

v.

NAUSET CONSTRUCTION CORPORATION,  
TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA, and BENHAM DESIGN,  
LLC,,

Defendants.

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BENHAM DESIGN, LLC,

Third-Party Plaintiff,

v.

LEIDOS ENGINEERING, LLC,

Third-Party Defendant

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**THIRD-PARTY DEFENDANT LEIDOS ENGINEERING, LLC’S MOTION TO  
DISMISS THIRD-PARTY COMPLAINT OR, IN THE ALTERNATIVE, TO SEVER  
AND TRANSFER TO U.S. DISTRICT COURT FOR THE DISTRICT OF DELAWARE**

Pursuant to Federal Rules of Civil Procedure 12(b)(5) and 14(a)(4) and 28 U.S.C.  
1404(a), Third-Party Defendant Leidos Engineering, LLC (“Leidos”) hereby moves to dismiss  
or, in the alternative, to sever and transfer Third-Party Plaintiff Benham Design, LLC’s  
(“Benham”) Third-Party Complaint (“Complaint”). A memorandum of law in support

accompanies this motion. For the reasons stated in the memorandum, Leidos requests that the Court allow its motion.

Dated: June 11, 2018

Respectfully submitted,

Leidos Engineering, LLC,

By its attorneys,

/s/ Adam S. Gershenson

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Leidos Engineering, LLC*

#### **LOCAL RULE 7.1(A)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), counsel for Leidos met and conferred with counsel for Benham on June 11, 2018, regarding Leidos' motion. As a result of the meet-and-confer, the parties do not agree on the resolution of any part of the motion.

/s/ Adam S. Gershenson

Adam S. Gershenson

#### **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that on this 11<sup>th</sup> day of June 2018 this document filed through the ECF system, will be sent electronically to the registered participants on the Notice of Electronic Filing and paper copies will be sent to any non-registered participants.

/s/ Adam S. Gershenson

Adam S. Gershenson